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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,604

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Harold George Pires

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EXAMINER

LA, ANH V

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,604

Applicant(s)

PIRES, HAROLD GEORGE

Examiner

Anh V. La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 29-60 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 29-33, 53-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Bluteau.

Regarding claim 29, Bluteau discloses a system for monitoring the wetness condition of a diaper comprising a sensor 1 having a first predetermined electrical characteristic when the associated diaper is dry and a second predetermined electrical characteristic when the associated diaper is wet, a transmitter 3, a transmitter housing detachably installed on the diaper having a quiescent mode when the sensor is characterized by the first predetermined electrical characteristic and in a transmission mode when the sensor is characterized by the second predetermined electrical characteristic, the transmitter transmitting electromagnetic energy signals (column 3, lines 35-45), a receiver 5, a coupling arrangement 17, 14 for simultaneously coupling the transmitter housing onto the diaper and forming the electrical coupling between the transmitter in the transmitter housing and the sensor.

Regarding claim 30, Bluteau discloses a snap arrangement 17, 14.

Regarding claim 31, Bluteau discloses a female conductive portion 14 and a male conductive portion 17.

Regarding claim 32, Bluteau discloses a visual indicator 6.

Regarding claim 33, Bluteau discloses a sealed housing 8.

Regarding claim 53, Bluteau discloses a system for transmitting electromagnetic energy comprising a transmitter 3 having first, second, and third electrical terminals 14, 17 for coupling with first and second external devices, the first external device being coupled to the first and second terminals and having first and second electrical characteristics responsive to environmental conditions, the second external device being coupled to the second and third terminals and having a substantially constant electrical characteristic, the transmitter having a quiescent mode when the first external device exhibits the second electrical characteristic and substantially constant electrical characteristic of the second external device is present across the second and third terminals (fig. 3).

Regarding claim 54, Bluteau discloses the transmitter transmitting electromagnetic energy (col. 3, lines 35-45) when in the transmission mode and when the second characteristic is present across the first and second terminals simultaneously with the substantially constant characteristic of the second external device being present across the second and third terminals.

Regarding claim 55, Bluteau discloses the first and second characteristics of the first external device constitute different levels of impedance responsive to environmental humidity (fig. 3).

Regarding claim 56, Bluteau discloses the substantially constant electrical characteristic of the second external device constituting a predetermined impedance (fig. 3).

Regarding claim 57, Bluteau discloses the substantially constant electrical characteristic of the second external device constituting a predetermined electrical resistance (fig. 3).

Regarding claim 58, Bluteau discloses a system for monitoring the wetness condition of a diaper comprising a sensor 1 having a first predetermined electrical characteristic when the associated diaper is dry and a second predetermined electrical characteristic when the associated diaper is wet, a transmitter 3, a transmitter housing detachably installed on the diaper having a quiescent mode when the sensor is characterized by the first predetermined electrical characteristic and in a transmission mode when the sensor is characterized by the second predetermined electrical characteristic, the transmitter transmitting electromagnetic energy signals (column 3, lines 35-45), a coupling arrangement 17, 14 for simultaneously coupling the transmitter housing onto the diaper and forming the electrical coupling between the transmitter in the transmitter housing and the sensor.

Regarding claim 59, Bluteau discloses a receiver 5.

Regarding claim 60, Bluteau discloses a diaper comprising a first and a second electrical terminal 14, 17 accessible on an outer surface of the diaper and a wetness sensor 1 installed within the diaper and coupled electrically between the first and second terminals and the sensor having a first predetermined electrical characteristic

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when the diaper is dry and a second predetermined electrical characteristic when the diaper is wet (fig. 3).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 38-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimsey.

Regarding claim 38, Kimsey discloses a system for monitoring a diaper comprising a sensor 53 having a first predetermined electrical characteristic when the associated diaper is dry and a second predetermined electrical characteristic when the associated diaper is wet, a transmitter 1, 13, a transmitter housing detachably installed on the diaper (col. 3, lines 25-40) having a quiescent mode when the sensor is characterized by the first predetermined electrical characteristic and in a transmission mode when the sensor is characterized by the second predetermined electrical characteristic, the transmitter transmitting a unique ID code within electromagnetic energy signals, and a receiver 20 issuing a perceptible indication (col. 2, lines 55-67).

Regarding claim 39, Kimsey discloses radio frequency range 12.

Regarding claim 40, Kimsey discloses infrared frequency range.

Regarding claim 41, Kimsey discloses a portable receiver 20.

Regarding claim 42, Kimsey discloses a coupling arrangement 3, 4, 50, 51.

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Regarding claim 43, Kimsey discloses sealed housing (col. 3, lines 24-60).

Regarding claim 44, Kimsey discloses a coupling arrangement 3, 4, 50, 51.

5. Claims 45-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher.

Regarding claim 45, Fisher discloses a system for monitoring diapers comprising a plurality of sensors 170, 94, each having a first predetermined electrical characteristic when the associated diaper is dry and a second predetermined electrical characteristic when the associated diaper is wet, a plurality of transmitters 170, 172, a transmitter housing detachably installed on the diaper having a quiescent mode when the sensor is characterized by the first predetermined electrical characteristic and in a transmission mode when the sensor is characterized by the second predetermined electrical characteristic, the transmitter transmitting electromagnetic energy signals at respective intervals, a receiver 176 receiving a plurality of transmitter ID codes of respective transmitters (fig. 20, 21, col. 9, line 50- col. 10, line 36).

Regarding claim 46, Fisher discloses code generator 172.

Regarding claim 47, Fisher discloses a programming station 196 (fig. 20).

Regarding claim 48, Fisher discloses a control processor 194, 183.

Regarding claim 49, Fisher discloses a system for monitoring diapers comprising a plurality of sensors 170, 94, each having a first predetermined electrical characteristic when the associated diaper is dry and a second predetermined electrical characteristic when the associated diaper is wet, a plurality of transmitters 170, 172, a transmitter

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housing detachably installed on the diaper having a quiescent mode when the sensor is characterized by the first predetermined electrical characteristic and in a transmission mode when the sensor is characterized by the second predetermined electrical characteristic, the transmitter transmitting electromagnetic energy signals at respective intervals, a programming station 196, a receiver 176 receiving a plurality of transmitter ID codes of respective transmitters, and a control processor 194, 183 (fig. 20, 21, col. 9, line 50- col. 10, line 36).

Regarding claim 50, Fisher discloses a system comprising a sensor 18 coupled to a diaper, the sensor having a first predetermined electrical characteristic when the associated diaper is dry and a second predetermined electrical characteristic when the associated diaper is wet, and a confirmatory element (resistor 1.5K), externally accessible with a third predetermined electrical characteristic which remains unchanged when the diaper exhibits either the first or the second characteristic.

Regarding claim 51, Fisher discloses a resistor (fig. 6).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher.

Regarding claim 52, Fisher discloses all the claimed subject matter as set forth in the rejection of claim 51, but does not disclose the resistor value of ten thousand ohms. However, it would have been obvious to have the resistor value of ten thousand ohms since it is not inventive to discover the optimum or workable ranges by routine experimentation.

8. Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bluteau in view of Kimsey.

Regarding claims 34-37, Bluteau discloses all the claimed subject matter as set forth in the rejection of claim 29, but does not disclose a portable receiver (claim 34), a battery operated receiver (claim 35), an identifier code (claim 36), and an indication on the receiver (claim 37). Kimsey teaches the use of a portable receiver 20, a battery operated receiver 20, an identifier code (col. 2, lines 50-67) and an indication on the receiver (col. 2, lines 60-67). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a portable receiver, a battery operated receiver, an identifier code, and an indication on the receiver to the system of Bluteau as taught by Kimsey for the purpose of effectively monitoring and indicating a wetness condition of a diaper.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fard teaches a training device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
June 19, 2005